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SIPDIS

DEPT FOR WHA/CEN (JENNIFER VANTRUMP)

E.O. 12958: N/A

TAGS: [PGOV](#) [ECON](#) [PREL](#) [EFIN](#) [BH](#)

SUBJECT: CHIEF JUSTICE QUASHES CASE AGAINST FORMER PRIME MINISTER

Ref: (A) 08 BELMOPAN 130, (B) 08 Belmopan 503,  
(C) Belmopan 57, (D) Belmopan 96

1) Summary: In December 2007, the GoB received a US \$20 million grant from the Government of Venezuela, only \$10 million of which could be accounted for. When a new government was elected in February 2008, they vowed to obtain a full accounting of the money, which eventually led to the former Prime Minister and Minister of Housing and Home Affairs being charged with its theft in December 2008. While a February 2009 ruling put the case against the former PM on the docket of the Supreme Court, a March ruling dismissed the charge against the former Minister of Housing. In June 2008, a ruling by the Chief Justice threw out the charges against the former PM, bringing the case to a close and resulting in no one being held accountable for the theft of \$10 million from the people of Belize. The result was another indication of the weakness of Belize's judicial system. End Summary.

2) On December 28, 2007, the GoB received a US \$20 million grant from the Government of Venezuela, only \$10 million of which was initially reported and properly deposited to the Treasury. The other half of the grant funds were used to pay off the GoB's obligation with respect to a controversial loan guarantee after Universal Health Services, a private Belizean healthcare provider defaulted (ref A). In December 2008, former Prime Minister Said Musa was charged with the theft of US \$10 million dollars from the grant. Shortly thereafter, Ralph Fonseca, former Minister of Housing and Home Affairs under the Musa administration, was also charged in the same act of theft (ref B). Many Belizeans believed it was improper for the GoB to provide a loan guarantee to a private firm.

3) On February 10, 2009, Belmopan Magistrate Earl Jones held that there was sufficient evidence for a prima facie case to be heard before Belize's Supreme Court (second highest court in Belize) against Musa on the single charge of theft (ref C). However on March 3, 2009, the same Magistrate, following a preliminary inquiry, discharged the case against Fonseca for lack of sufficient evidence (ref D).

4) On June 8, 2009, Chief Justice (CJ) Dr. Abdulai Conteh heard a submission for judicial review made on behalf of Musa against Magistrate Jones' decision to send the case to the Supreme Court. CJ Conteh held firstly that Jones had erred in concluding that Belizean Courts had jurisdiction. CJ Conteh agreed that the offense of theft with which Musa was charged was committed abroad, but disagreed with Jones' conclusion that since the intended result of the crime was in Belize, there was a basis to claim jurisdiction. CJ Conteh held that since the theft had not occurred in Belize, Jones did not have jurisdiction to hear the case. Furthermore, the CJ found that Musa's contention that inadmissible evidence was used by Jones in the committal proceedings could not be sustained. Nevertheless, the CJ ruled that, collectively, the evidence put forward by the Director of Public Prosecutions (DPP) was insufficient to support the charge of theft, and not enough to warrant Musa's committal for trial.

5) CJ Conteh determined that Musa acted in his official capacity as Prime Minister and Minister of Finance when he authorized that half of the Venezuelan grant be used to pay off the GoB's obligation with respect to a loan guarantee. He further opined that while the act of satisfying a guarantee was not a criminal act, Musa was guilty of "political fecklessness" by not disclosing how this half of the Venezuelan grant was used. In light of his findings on lack of jurisdiction and insufficient or lack of evidence, CJ Conteh determined on 8 June 2009 that the charge against Musa be dismissed.

The DPP has indicated an intention to appeal the CJ Conteh's decision to the Court of Appeal (the highest court in Belize). She has 21 days to do so, but to date no appeal has materialized.

6) Comment: Said Musa is the only leader in Belize to ever have been charged with an indictable offense, and the fact that a case was brought against him was initially seen as an indication that the current administration of PM Dean Barrow was committed to stamping out corruption. However, the latest developments highlight the weakness of the DPP's Office and its serious lack of resources, striking a blow not only to the credibility of the DPP, but also to the effectiveness of the current administration. This is only the latest in a string of high profile cases to be dismissed on technicalities. While the DPP still has a few more days to file an appeal, one is not expected, as no appeal was filed in the similar case against Fonseca. While the fact that the case made it as far as it did may say something about progress being made to crack down on corruption, it also highlights the inefficiency and ineffectiveness of the judicial process in Belize. End Comment.

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